

Ilmul Meerath

The Laws of Islamic Inheritance

Rasulullah ﷺ said:
“A muslim should not
allow more than two
days to pass without
him having a will.”
(Abu Dawood)

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Ilmul Meerath

The Islamic Laws of Inheritance

الْحَمْدُ لِلّٰهِ الَّذِي هَدَنَا لِهٰذَا وَمَا كُنَّا لَهٗ تَهْتَدِي لَوْلٰا أَنْ هَدَنَا اللّٰهُ

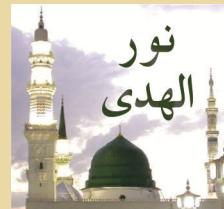
All Praises due to Allah who has guided us to this, and we would not have been rightly guided had Allah not guided us. (Holy Quraan 7:43)

رَبَّنَا تَقَبَّلْ مِنَّا طِإِنَّكَ أَنْتَ السَّمِيعُ الْعَلِيمُ وَتُبْ عَلَيْنَا حِإِنَّكَ أَنْتَ

*التَّوَابُ الرَّحِيمُ *

Our Lord accept from us! Indeed, You - and You alone – are the All- Hearing, the All-Knowing! and accept our repentance. Indeed, You - and You alone – are the Most-Relenting, the Very-Merciful. (Holy Quraan 2:127-128)

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2. Kitaabul Meerath - Majlisul Ulema of South Africa
3. Islamic Law of Succession by Attorney Mahomed Shoaib Omar

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Although proof reading has been done, there will be errors that were missed. For any additional errors found, it will be highly appreciated if the details could be pleased emailed to us at: nurulhudasa@outlook.com

جَزَاكَ اللّٰهُ خَيْرًا and please do remember us in your Duas.

DEFINITIONS

- **Tarikah:** Estate.
- **Waarith:** Heir.
- **Murith:** The Deceased.
- **Wasi:** Executor/ **Wasis:** Executors.
- **Musi:** The one making the Wasiyat.
- **Zawil Furoodh:** Shares of Inheritance fixed by the Shariah (Qur'anic Heirs).
- **Asabah:** Those relatives who claim the balance of the estate after the Zawil Furoodh have obtained their shares.
- **Zawil Arham:** Those relatives who neither belong to Zawil Furoodh or the Asabah
- **Kalalah:** Has no surviving Father or ↑ and Children or ↓
- **Istifta:** Person asking the question.
- **Mufti:** Person Answering the question.
- **Full Brother & Sister:** One Father & Mother.
- **Paternal Brother & Sister:** One Father & **Different Mothers.**
- **Uterine Brother & Sister:** One Mother & **Different Fathers.**
- **Mahroom:** That person that is disqualified.
- **Mahjoob:** That person who is deprived by other heirs.

ABBREVIATIONS

- ↓ - Descendants however low down
- ↑ - Ascendants however high up.
- Husband - **H** Wife - **W** Father - **F** Mother - **M** Son - **S** Daughter - **D**
- Paternal Grandfather - **PGF** Paternal Grandmother - **PGM**

- Maternal Grandfather - **MGF** Maternal Grandmother - **MGM**
- Grandson (son's sons) - **GS** Granddaughter (son's daughters) - **GD**
- Grandchildren (sons sons & daughters) - **GC**
- Full Sister - **Sis** Full Brother - **B**
- Paternal Half Sister - **PSis** Paternal Half Brother - **PB**
- Uterine Sister - **USis** Uterine Brother - **UB**
- Full Uncle - **U** Paternal Half Uncle - **PU**
- Full Nephews - **N** Paternal Half Nephews - **PN**
- Full Cousin - **C** Paternal Half Cousins - **PC**

INTRODUCTION

THE TRANSFER OF OWNERSHIP OF ASSETS & CURRENT ASSETS TO THE HEIR/S

Ilmul Meerath is a summarised version on the Laws Inheritance based on the Four Schools. It's object is to impart a deeper understanding and greater insight into the Laws of Inheritance. Thus equipping one with the necessary knowledge to effectively and correctly implement the laws of inheritance when dissolving a estate and hence earn the pleasure of Allah ﷺ. The detailed Laws of Inheritance are intricate and a specialist in this field should be consulted when the need arises. **For more detailed rulings please consult the Ulema and please verify the dissolving of the estate and apportioning of the shares to the heirs with them. Should you have any queries please consult the Ulema.**

When a mans term of life comes to end, the bounties which were on **loan** to him **reverts** back to Allah Ta'ala, the Original & True Owner. Who in turn has apportioned those bounties to selected heirs. On the death of a person, his/her heirs immediately assume ownership of their shares from the deceased whether they accept it or reject it.

FOR ALLAH ﷺ SAYS IN THE QUR'AN:

Your fathers and your sons - you do not know who, out of them, is closer to you in being beneficial. All this is determined by Allah. (Surah Nisaa:V-11)

Rasulullah ﷺ said: "O people! Learn Fara-idh. It is Half of Knowledge." (Baihaqi)

Rasulullah ﷺ said: "The first (branch of) knowledge which will be taken away from my Ummah will be Ilmul Fara-idh." (Haakim)

Rasulullah ﷺ said: "That there are some people who spend a lifetime in acts of worship and obedience, however, on the eve of their meeting with Allah Ta'aala, they usurp the rights of the heirs. In consequence, they are despatched directly to Jahannam." (Mishkaat Sharief)

Hadhrat Umar ﷺ said: “O people! Learn Fara-idh with the same concern and effort with which you learn the Qur'an.” (Daarimi)

Amongst the Sahabah ﷺ, the one that was the most knowledgeable on the Laws of Inheritance was Zaid Ibn Thabit ﷺ. (Mishkaat Sharief)

The First and Most Important Rule of Inheritance:

“Inheritance Is Not Discretionary”

There only 2 instances in the Qur'an-e-Kareem, where Allah ﷺ Himself says that He Himself has determined who the recipients will be. One pertains to Inheritance,

فَرِيْضَةً مِّنَ اللَّهِ طَإِنَّ اللَّهَ كَانَ عَلَيْمًا حَكِيمًا

All this is determined by Allah. Surely, Allah is All-Knowing, All Wise. (Surah Nisaa:V-11)

And the other is Zakaat.

فَرِيْضَةً مِّنَ اللَّهِ طَوَالَلَّهُ عَلَيْمٌ حَكِيمٌ

This being determined by Allah. And Allah is Knowing, Wise. (Surah Taubah:V-60)

The Second Most Important Rule of Inheritance:

“Make Sure You Leave a Islamic Will”

Rasulullah ﷺ said: “That there are some people who spend a lifetime in acts of worship and obedience, however, on the eve of their meeting with Allah Ta'aala, they usurp the rights of the heirs. In consequence, they are despatched directly to Jahannam.” (Mishkaat Sharief)

Rasulullah ﷺ said that it is not proper for a muslim to allow two days to pass without him having a will. (Abu Dawood)

ALLAH ﷺ SAYS IN THE QUR'AN REGARDING INHERITANCE.

لِلرِّجَالِ نَصِيبٌ مِّمَّا تَرَكَ الْوَالِدُونَ وَالْأَقْرَبُونَ وَلِلنِّسَاءِ نَصِيبٌ مِّمَّا تَرَكَ
الْوَالِدُونَ وَالْأَقْرَبُونَ مِمَّا قَلَّ مِنْهُ أَوْ كَثُرَ طَنَصِيبًا مَفْرُوضًّا ⑦

For men there is a share in what the parents and the nearest of kin have left. And for women there is a share in what the parents and the nearest of kin have left, be it small or large - a determined share. (Surah Nisaa:V-7)

يُوصِيُكُمُ اللَّهُ فِي أَوْلَادِكُمْ قَلِيلٌ كَمِثْلُ حَظِّ الْأُنْثَيَيْنِ ۝ فَإِنْ كُنَّ نِسَاءً
فَوْقَ اثْنَتَيْنِ فَلَهُنَّ ثُلُثَا مَا تَرَكَ ۝ وَإِنْ كَانَتْ وَاحِدَةً فَلَهَا النِّصْفُ طَ وَلِأَبَوِيهِ
لِكُلِّ وَاحِدٍ مِّنْهُمَا السُّدُسُ مِمَّا تَرَكَ إِنْ كَانَ لَهُ وَلَدٌ ۝ فَإِنْ لَمْ يَكُنْ لَهُ وَلَدٌ
وَوِرِثَةً أَبَوَاهُ فَلِأُمِّهِ الثُّلُثُ ۝ فَإِنْ كَانَ لَهُ أخْوَةٌ فَلِأُمِّهِ السُّدُسُ مِنْ بَعْدِ
وَصِيَّةٍ يُوصِي بِهَا أُوْدَيْنِ طَ أَبَاكُمْ وَأَبْنَاكُمْ لَا تَدْرُونَ أَيُّهُمْ أَقْرَبُ لَكُمْ
نَفْعًا طَ فَرِيْضَةً مِنَ اللَّهِ طَ إِنَّ اللَّهَ كَانَ عَلِيمًا حَكِيمًا ⑪

Allah directs you concerning your children: for a male there is a share equal to that of two females. But, if they be (only) women, more than two, then they get two-third of what one left behind. And if she be one, she gets one-half. And for his parents, for each of them, there is one-sixth of what he left in case he has a child. But, if he has no child and his parents have inherited him, then, his mother gets one-third. And if he has some brothers (or sisters), his mother gets one-sixth, all after (settling) the will he might have made, or debt. Your fathers and your sons - you do not know who, out of them, is closer to you in being beneficial. All this is determined by Allah. Surely, Allah is All-Knowing, All Wise. Allah directs you concerning your children: for a male there is a share equal to that of two females. But, if they be (only) women, more than two, then they get two-third of what one left behind. And if she be one, she gets one-half. And for his parents, for each of them, there is one-sixth of what he left in case he has a child. But, if he

has no child and his parents have inherited him, then, his mother gets one-third. And if he has some brothers (or sisters), his mother gets one-sixth, all after (settling) the will he might have made, or debt. Your fathers and your sons- you do not know who, out of them, is closer to you in being beneficial. All this is determined by Allah. Surely, Allah is All-Knowing, All Wise. (Surah Nisaa:V-11)



وَلَكُمْ نِصْفٌ مَا تَرَكَ أُخْرَ وَاجْعُكُمْ إِنْ لَمْ يَكُنْ لَهُنَّ وَلَدٌ
فَلَكُمُ الرُّبُعُ مِمَّا تَرَكُنَ مِنْ بَعْدِ وَصِيَّةٍ يُوْصِيْنَ بِهَا آأَوْدِينِ طَ وَلَهُنَّ الرُّبُعُ
مِمَّا تَرَكُتُمْ إِنْ لَمْ يَكُنْ لَكُمْ وَلَدٌ حَفَانْ كَانَ لَكُمْ وَلَدٌ فَلَهُنَّ الشُّمُنُ مِمَّا
تَرَكُتُمْ مِنْ بَعْدِ وَصِيَّةٍ تُوْصُونَ بِهَا آأَوْدِينِ طَ وَإِنْ كَانَ رَجُلٌ يُوْرَثُ كُلَّهُ
آأَوْ امْرَأً وَلَهُ آخْرَ آأَوْ أُخْتٌ فَلِكُلٍّ وَاحِدٍ مِنْهُمَا السُّدُسُ حَفَانْ كَانُوا آكُثْرَ
مِنْ ذَلِكَ فَهُمْ شُرَكَاءٌ فِي الْثُلُثِ مِنْ بَعْدِ وَصِيَّةٍ يُوْضِى بِهَا آأَوْدِينِ لَا غَيْرَ
مُضَارٍ حَ وَصِيَّةً مِنَ اللَّهِ طَ وَاللَّهُ عَلِيْمٌ حَلِيلٌ ۝ ۱۲

And for you there is one-half of what your wives left behind, in case they have no child. But, if they have a child, you get one-fourth of what they left, after (settling) the will they might have made, or debt. And for them (the wives) there is one-fourth of what you left, in case you have no child. But, if you have a child, they get one-eighth of what you left, after (settling) the will you might have made, or debt. And for you there is one-half of what your wives left behind, in case they have no child. But, if they have a child, you get one-fourth of what they left, after (settling) the will they might have made, or debt. And for them (the wives) there is one-fourth of what you left, in case you have no child. But, if you have a child, they get one-eighth of what you left, after (settling) the will you might have made, or debt. And if the man being inherited, or the woman, is Kaliilah (having no father or son to inherit) and he has a brother or a sister, then, for each of them there is one-sixth. And if they are more than that, they shall be sharers in one-third, after (settling) the will that might have been made, or debt, causing no

damage. All this is prescribed by Allah. And Allah is All-Knowing, Forbearing. (Surah Nisaa:V-12)



تِلْكَ حُدُودُ اللَّهِ ط وَمَنْ يُطِعِ اللَّهَ وَرَسُولَهُ يُدْخِلُهُ جَنَّتٍ تَجْرِي مِنْ تَحْتِهَا الْأَنْهَرُ حَلِيدِينَ فِيهَا ط وَذَلِكَ الْفَوْزُ الْعَظِيمُ ۚ وَمَنْ يَعْصِ اللَّهَ وَرَسُولَهُ وَيَتَعَدَّ حُدُودَهُ يُدْخِلُهُ نَارًا حَالِدًا فِيهَا ص وَلَهُ عَذَابٌ مُّهِينٌ ۚ ۱۲

These are the limits set by Allah. And whoever obeys Allah and His Messenger, He will admit him to gardens beneath which rivers flow, remaining there for ever. And that is a great success. (V-13) And whoever disobeys Allah and His Messenger and crosses the limits set by Him, He shall admit him to the Fire, remaining there for ever. And for him there is a humiliating punishment. (Surah Nisaa:V- 14)



يَسْتَفْتُونَكَ ط قُلِ اللَّهُ يُفْتِي كُمْ فِي الْكَلَّةِ ط إِنْ أَمْرَرْ وَاهْلَكَ لَيْسَ لَهُ وَلَدْ
وَلَهُ أُخْتٌ فَلَهَا نِصْفٌ مَا تَرَكَ ح وَهُوَ يَرِثُهَا إِنْ لَمْ يَكُنْ لَهَا وَلَدٌ ط فَإِنْ
كَانَتَا اثْنَتَيْنِ فَلَهُمَا الشُّلْثُنِ مِمَّا تَرَكَ ط وَإِنْ كَانُوا إِخْوَةً رِجَالًا وَنِسَاءً
فَلِلذَّكَرِ مِثْلُ حَظِّ الْأُنْثَيَيْنِ ط يُبَيِّنُ اللَّهُ لَكُمْ أَنْ تَضِلُّوا ط وَاللَّهُ بِكُلِّ
شَيْءٍ عَلِيهِمْ ۖ ۱۷۶



They seek a ruling from you. Say, "Allah gives you 'the ruling concerning Kalalah. If a person dies having no son, but he does have a sister, then, she gets one half of what he leaves. And he will inherit from her if she has no child. And if they are two (sisters), they get to third of what he leaves. And if they are brothers and sisters, both male and female, then, the male gets a share equal to that of two females." Allah explains to you lest you should go astray. And Allah is fully aware of everything. (Surah Nisaa:V-176).

SEQUENCE OF DISSOLVING THE ESTATE.

It is imperative that the following sequence be followed when dissolving the estate. The first four rights have precedence over Inheritance. The distribution of shares to the heirs will take place only after execution of these first four rights.

- 1) Return of Trusts
- 2) Burial Expenses
- 3) Payment of Debts.
- 4) Payment of Wasiyyat to non heirs not exceeding a 1/3.
- 5) Distribution of Shares to the Heirs - will be effected last.

1. RETURN OF TRUSTS:

- a. Should the mayyit have any trust in his possession, these should be returned to their rightful owners or separated from the estate.

2. BURIAL EXPENSES

- a. All expenses relating to the burial only - Shroud, Grave, Timber, Hearse etc. - It is permissible for others to pay.
- b. Expenses for the feeding of relatives & friends is not included here. Should the heirs wish to do so, the expense will be borne by them.

3. PAYMENT OF DEBTS

- a. After burial expenses, the mayyit's creditors have a prior right on the assets in his estate.
- b. The mahr of the wife, if not paid by the husband, will be regarded as a debt.
- c. The Rooh of a mumin is prevented from entering Jannat as long as his creditors have not been satisfied. Once a Sahabi ﷺ said:
“Rasulullah ﷺ! My brother has died and has left small children. Should I spend money on them (rather than pay his debts)?” Rasulullah ﷺ replied “Your brother is imprisoned on account of his debts. Pay his Debt”

4. PAYMENT OF WASIYYAT

1. Hanafi:

- a. Wasiyyat can only be made for non heirs and should not exceed 1/3 of the value of estate after payment of burial expenses and debt.
- b. The Wasiyyat will only be valid if the Musi is sane and an adult.
- c. If a Wasiyyat is made, it becomes the incumbent duty of the executors/heirs to execute the Wasiyyat before distributing the shares to the heirs.

- d. Wasiyyat can be made for a Non Muslim although there are no ties of inheritance between Muslims and Non-Muslims.
 - e. Can exceed 1/3 with permission of Heirs - On condition that Heirs are sane, mature and gives permission without duress. Note that the consent of a minor is not valid.
 - f. While the Musi (the one making the Wasiyat) is alive, he has a right to revoke the wasiyyat. It is essential that the Musi uses such terms which clearly indicate that the Wasiyyat has been revoked, e.g. "I am revoking/cancelling this Wasiyyah".
 - g. During **Maradhl Maut** (the last illness which leads to a persons death) one's freedom of bequeathing one possessions as Wasiyyat is curtailed, as at this stage the right of the heirs are activated. Thus any operation conducted during **Maradhl Maut** are subjected to certain conditions which are quite detailed. Please consult the Ulema for more information.
 - h. Wasiyyat Waajibah:
 - Provision for Outstanding Shariah Obligations (e.g. Salaat, Fast, Zakaat, Kaffarah, Qurbaani, Haj) may be made in the 1/3 Wasiyyat - Only if written. If a verbal declaration was made then it will be compulsory that it was witnessed by 2 witnesses in the event of a dispute.
 - For a person who missed his Salaat & Fast, He should make taubah and endeavour to make qaza. If qaza not completed during his lifetime, provision can be made in the wasiyyat for fidya to be paid on that which is outstanding.
 - i. Wasiyyat Naafilah:
 - It is mustahab to make wasiyyat that burial shroud and burial is in conformity with the sunnah
 - If the estate is considerable, it will be mustahab to bequeath any sum up to 1/3 to any charitable works. e.g Masjid, Madressah etc. However should the estate be not considerable it is more meritorious to leave the entire estate to the heirs.
 - j. For more masail relating to Wasiyyat, consult your local Ulema.
- 2. Shaafi, Maaliki & Hambali:**
- a. Shaafi, Maaliki & Hambali: Outstanding Monetary Shariah Obligations (Zakaat, Kaffarah, Qurabaani, Haj) will fall under **Debt & Not Wasiyyat**
 - b. Shaafi & Maaliki - For salaat missed intentionally - the punishment is that they be killed - Thus the question of compensation for salaat does not arise.
 - c. Hambali - For salaat missed intentionally - the person automatically becomes a murtad (apostate) - Thus the question of compensation for salaat does not arise.
 - d. Shaafi, Maaliki & Hambali: For missed fast, sons and daughter can keep the outstanding fast on behalf of the deceased.

5. DISTRIBUTION OF SHARES TO HEIRS

5.1 Rules Regarding Inheritance

Causes of Inheritance

1. Proximity (Strength of Blood Ties) - The one closer in proximity to the mayyit will displace those further away.
2. Nikah

Requisites Of Inheritance

1. There must be Mayyit
2. There must be a Tarikah (Estate)
3. There must be a Heir/s

Pre-Requisites Of Inheritance

1. Person has to have passed away/ or assumption of death after 4yrs.
2. Heir/s must be alive.

Wealth Excluded From Inheritance

1. Wealth aquired by haraam means.
2. Insurance/Endowment Policies.
3. For more exclusions refer to a reliable Aalim.

Order of Priority in Allocation of Shares

1. Zawil Furoodh
2. Asabah
3. Radd - Redistribution to the Zawil Furoodh
4. Zawil Arham - Relatives that do not fall in class 1 & 2.
5. Distribute to the Fuqra (Poor)

Disqualified Heirs

1. Slave
2. Murder of Murith: Hanafi/Hambali: Intentional or Accidental
Shaafi: Any Type of Murder
Maaliki: Premeditated only
3. Difference of Religion
4. Murtad (Apostate) : Hanafi: Can inherit only from the period that he/she was a muslim

Factors That Do Not Deprive Heirs

1. Marriage of a widow
2. Disobedience of Children
3. Infancy
4. Estranged Wife which is still in the Husband's Nikah. Any children she begets by way of adultery, will be considered the children of the Husband.

Miscellaneous

1. The onset of a wet dream or menses will indicate that one is now Baaligh. Should there be a absence of these, then the age of Buloogh will be 15 years according to Islamic Shariah.

Relatives Who Are Not Heirs

1. No ties of Inheritance between Step Parents & Step Children
2. Adopted children
3. An illegitimate child will not inherit from his biological father & vice versa. A illegitimate child is attributed to the mother and will inherit from her and vice versa.

Additional Rulings

1. If for some reason a person wishes to dispose of his estate to his heirs during his lifetime, he should bear in mind the following:

- The motive should not be to deprive an heir.
- Sons & daughters should be given an equal share and value and not in the ratio 2:1 as is the case in inheritance.

Even if a person distributes his entire estate during his lifetime to his heirs, all the heirs will still remain heirs in whatever wealth he happens to leave behind.

2. Disobedience of children does not disqualify them from their inheritance. If there is a valid shariah reason to deprive an heir, it will proper to distribute the assets of one's estate during one's lifetime leaving nothing for distribution after one's death. This will be a regarded as a gift to them and not their inheritance.

3. A son who dies during the lifetime of his father, does not inherit and nor is his share transferred to his children. He is simply regarded as non-existent.

4. Surely, Allah has given every person his (or her) share. Thus one cannot bequeath for a heir. (Mishkat with reference to Abu Dawud, P. 265)

5. If a man divorces his wife and then dies before expiry of her iddat, she will inherit in his estate.

6. If the nikah was ended by way of Khula, then she will not be entitled to inheritance even the husband dies before expiry of her iddat.

7. If any factor which deprives an heir of inheritance exist in a son he will be regarded as non existent, e.g. he is kafir. The grandson now becomes the Asabah.

8. Where a group of people who are related to each other die in the same accident and it cannot be determined which of them died first, they shall be presumed to have died simultaneously.

9. If there are more than one executors, any one of them cannot act unilaterally. Except in the case of the funeral expenses and expenses for the mayyits dependents.

10. Where one's share is received only after a few years, then zakaat will have to be paid for the preceding years on the amount received.

11. Rights are not subject to Meerath. The business partnership between the deceased and existing partners dissolves with his death. The heirs rights extend only to only the share of the deceased in the partnership. So too does a lease lapse with death.

12. If the heirs decide to retain the fixed property, this is permissible. A fair rental has to be fixed for the property. The net income will be shared among the heirs in proportion to their shares. It is not permissible for any heir or heirs to occupy the fixed property without paying a mutually agreed rent.

Common Abuses And Violations

1. A Non Islamic Will (Secular Will) which is invalid in the Shariah.
2. Depriving a heir e.g:
 - Disobedient child.
 - Daughters who are married to wealthy husbands.
3. Reduction in Fixed Shares.
4. Impositions of Un-Islamic Restrictions e.g:
 - a. House is bequeathed to the wife and balance is distributed according to the laws of inheritance.
 - b. Heirs are denied immediate possession of their shares.
 - c. Appointment of executors and administrators (bereft of Imaan, taqwa and Islamic knowledge) who impose on the heirs un-islamic norms, values and restrictions.
5. Introduction of non heirs into the distribution e.g:
 - To regard a adopted child as an automatic heir on par with biological children.
6. By bequeathing more than 1/3 to an outsider.
7. Denial of the rights of Creditors.
8. Heir delays/impedes the dissolving the of the estate, in so doing deprives other heirs of deriving benefit of their share.

Those Persons Who Will Inherit

MALES

1. Sons
2. Son's Sons & ♂
3. Father
4. Paternal Grandfather ♂
5. Full Brother
6. Paternal Brother
7. Uterine brother
8. Full Nephew (Full Brothers Son)
9. P-Nephew (P-Brother Son)
10. Full Uncles (Father's full brother)
11. P-Uncles (Father's P-Half brother).
12. Full Cousins (Full Uncles Son)
13. P-Cousins (P-Half uncles son)
14. Husband

FEMALES

1. Daughter
2. Mother
3. Granddaughter (Sons Daughter).
4. Paternal & Maternal Grandmothers ♂
5. Full Sister
6. Paternal Half Sister
7. Uterine Sisiter
8. Wife

N.B: Under normal circumstances, if any among the following six are present, Husband, Wife, Father, Mother, Daughters - (Zawil Furoodh) & Sons - (Asabah), **they will always inherit.**

5.2: Order of Priority in Allocation of Shares

5.2.a: Zawil Furoodh - Heirs whose portion has been Fixed in the Qur'aan.

- 1) Males; Husband, Father, Grandfathers, Paternal Brothers.
- 2) Females: Wife, Mother, Daughter, Son's daughter, Full Sister, Paternal Sister, Uterine Sister, Paternal Grandmother, Maternal Grandmother.
- 3) The Grandmothers should all be True i.e. there should be no maternal grandfather between them and the deceased.

5.2.b: Asabah (Residuries) - Those relatives who inherit the balance of the estate after the Zawil Furoodh and who do not have fixed shares in the Qur'an or Sunnah. e.g. Son Brother.

Rules:

- When Allocating to the Asabah begin with the **Class** first.
- A relative of the higher class displaces a relative of the lower class.
- Within the same class, relatives **Closer in Degree** to the deceased will exclude the further ones. The one exception is the Grandson.
- Amongst relatives of the same class and who are equally related to the deceased in degree, **relations by full blood exclude relations by half blood**. This rule applies only to classes a) 3 & 4

5.2.c: Asabah - Every such male who is related to the deceased without the medium of a female. There are 4 classes:

- 1) Sons & sons sons/↓
- 2) Father & Paternal Grandfather/↑
- 3) Full Brother, Paternal Half Brother, Full Nephew, Paternal Half Nephew
- 4) Paternal Uncle, Paternal Half Uncle, Paternal Cousin, Paternal Half Cousin

5.2.d: Asabah Bil Ghayrihi - The following 4 females belong to the Zawil Furoodh (alone 1/2, 2 or more 2/3), but in the presence of their brothers they become Asbat with their brothers in the **Ratio of 2:1**. The four Classes are:

- 1) Daughter with Son
- 2) Granddaughter (sons daughter) with Grandson (Son's son)
- 3) Full sister with Full Brother
- 4) Paternal Half Sister with Paternal Half Brother

5.2.e: Asabah Ma'a Ghayrihi - The following females become Asbah when the mayyit has daughters or granddaughters and no son/s or other male Asbah.

Full sisters and Paternal Half Sisters.

In this case the the sisters become the Asabah, while the Daughters and Grandughters remain among Zawil Furoodh.

General Rules pertaining to the Asabah:

- 1) In the absence of Zawil Furoodh the Asabah will claim the whole estate.
- 2) If there is no balance in the Estate, no Asabah will inherit.
- 3) The Quota,when paired together, for
 - Daughter, Granddaughter
 - Full Sister, Paternal Half Sister must equal $2/3$. e.g

W	Sis	P/Sis	Uncle
1/4	1/2	1/6	Residue
Sum of the 2 Shares = 2/3			

5.2.f: Awl & Radd

- 1) **Awl :** Increasing the shares to accommodate all the heirs when the share fractions total is **greater than one**.

The numbers found in Awl are: 6,12 &24:

- will increase to 7,8,9,10
- 12 will increase to 13,15,17
- 24 will increase to 27

24	Example 1				
Heirs	W	M	F	D	
Shares	1/8	1/6	1/6	2/3	
CD	3/24	4/24	4/24	16/24	27/24
Make numerator (27) the new denominator					
Awl	3/27	4/27	4/27	16/27	27/27

12-14(42) - 3*14	Example 2				
Heirs	3Sis	MGM	2US	UB	2PB
Shares	2/3	1/6	1/3 = 3 Equal Share	0	
CD	8/12	2/12	4/12	0	14/12
Make 14 (numerator) the new denominator					
Awl	8/14	2/14	4/14	0	14/14

$$14 * 12 = 42 \text{ (New CD)}$$

Multiply share of each heir by 3 (2Us & UB)

Parts	8*3 = 24	2*3 = 6	4*3 = 12 = 4 shares each	0	42
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- 2) Radd:** Redistribution of the remainder to the Zawil Furoodh excluding the spouse (Husband or Wife) when the share-fractions total is **less than one**.

Conditions:

- a) Must be Zawil Furoodh,
- b) No Asabah.
- c) There must be a surplus.
- d) The spouse must excluded.

Radd Excluding Spouse:

6	1. Excluding Spouse		2. Excluding Spouse		
Heirs	D	M			
Shares	1/2	1/6			
CD	3/6	1/6	=4/6	B=1/6	
Re-divide the estate into 4 Parts - New CD					
Radd	3/4	1/4	4/4		
			M	Sis	UB
			1/6	1/2	1/6
			1/6	3/6	1/6
			= 5/6	B=1/6	
Re-divide the estate into 5 Parts - New CD					
			1/5	3/5	1/5
			= 5/5		

Radd Including Spouse:

Radd Method 1

This method involves 2 sets of calculation.

- In Table A work out the shares excluding the spouse
- In Table B work out the shares including the spouse using results from Table A.

6 (4)	3. Table A - With No Spouse as Heir		
Heirs	D	M	
Shares	1/2	1/6	
CD	3/6	1/6	= 4/6 Bal =1/6
Re-divide the estate into 4 Parts			
Radd	3/4	1/4	= 4/6

4 (16)	3. Radd - Table B - With Spouse as Heir		
Heirs	H	D	M

Shares	1/4	1/6	1/2
--------	-----	-----	-----

Give the H his share and remainder to D & M

CD	1/4	3/4	= 4/4
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4 (Total Radd Table A) * 4 (CD Table B) = 16 (New CD)

Now multiply each heir share by 4 (Total Radd Table A)

Parts	4	12	= 16/16
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3 (Numerator CD Table B)* 3 & 1 (Numerator Radd Table A) = Share for D & M respectively.

Parts	4	9	3	= 16/16
%	25%	56.25%	18.75%	100%

Radd Method 2

12 (96)		4. With Spouse as Heir			
Heirs	H	D	M	Totals	Bal
Shares	1/4	1/2	1/6		
CD	3/12	6/12	2/12	= 11/12	1/12
Need to re-distribute balance of 1 part to the D & M (excluding the spouse)					
$6(D) + 2(M) = 8$ parts ($8 \times 12 = 96$) New CD					
Multiply share of each heir by 8					
Parts	3*8 = 24	6*8 = 48	2*8 = 16	88 +	$1*8 = 8 = 96$
Re-distribute the 8 parts proportionally to the M (6) & D (2) excluding the H					
Radd	24	48+6 = 54	16+2 = 18	= 96	
Parts /6	4	9	3	= 16	
%	25%	56.25%	18.75%	= 100%	

5.2.g: Zawil Arham - Relatives who inherit only if there are no Zawil Furoodh (excluding husband & wife) and no Asabah. They are uterine heirs who are females or connected to the deceased through a female.

- **Hanafi's & Hambali's:** They must inherit - view of majority scholars.
- **Shafi's & Maliki's:** Original view is that they do not inherit. Latter day scholars follow the Hanafi and Hambali view.

Rules:

- When there are Zawil Arham of the **higher category**, it will **displace** those of the **lower category**.
- Within the same category, relatives **closer in degree** to the deceased will **exclude the further ones**.

The Zawil Arham are divided into four **Categories**, which are further divided into groups and classes. For more detail on these groups & classes please refer to **Kitaabul Meerath by the Majlisul Ulema of South Africa**. For our purposes, we have only listed the four main categories:

1) Category One: Those relatives directly related to the deceased:

- Daughters children (sons & daughters)
- Son's daughters children

2) Category Two: The ascendants of the deceased:

- False grandfathers, and
- False grandmothers

False grandfathers & grandmothers are those related to the deceased through a maternal grandfather.

3) Category Three: Descendants of the mother and father of the deceased:

- Sisters Children (nephews & nieces)
- Brothers daughters children
- Uterine brothers children

4) Category Four: Descendants of the two grandfathers and two grandmothers of the deceased:

- Paternal aunts
- Uterine uncles
- Maternal uncles
- Maternal aunts

General Rules pertaining to the Zawil Arham:

1) If the deceased is survived by only husband/wife and Zawil Arham, then after giving their shares, the Zawil Arham will take the remainder.

5.2.h: Distribution to the Fuqara (Muslim poor)

- 1) When the deceased has absolutely no heirs (La-Warith) of any category whatsoever, the entire estate will be distributed to the Fuqara, in the absence of a Baitul Maal.
- 2) As the estate of the La-Warith has to be distributed to the Fuqara and if there are such poor relatives who are not heirs, but have links to the La Warith, then they enjoy prior rights by virtue of of their family links. As such, the estate should be distributed amongst them instead, e.g. Step mothers, Step children, Adopted children, Ridhai brothers & sisters (milk brothers & sisters), the wife's relatives. etc.

5.3: Fractions

A	Parts	B	Parts	A & B	CD
1/2 - 50%	6	2/3 - 66.67%		1/2	2/3
1/4 - 25%	4	1/3 - 33.33%	6	1/4	1/3
1/8 - 12.5%	8	1/6 - 16.67%		1/8	1/6

Examples:

Parts 6

Heirs	Father	Mother	Son
Shares	1/6	1/6	Residue
Parts	1	1	4

CD 24

Heirs	Wife	Father	Son
Shares	1/8	1/6	Residue
CD	3/24	4/24	17/24

5.4: Allocation of Shares

Definitions:

↓:- Their descendants however low down ↑:- Their ascendants however high up.

Husband (H) Wife (W) Father (F) Mother (M) Son (S)

Paternal Grandfather (PGF) Paternal Grandmother (PGM) Maternal Grandfather (MGF) Maternal Grandmother (MGF)

Grandson (GS): Son's sons

Granddaughter (GD): Son's daughters

Grandchildren (GC): Sons Sons & Daughters

Full Sister (Sis) or Brother (B): Same Father & Mother

Paternal Half Sister (PSis) or Brother (PB): One Father & Different Mothers

Uterine Sister (USis) or Brother (UB): One Mother & Different Fathers

Nephews (N) Paternal Nephews (PN) Uncle (U) Paternal Uncle (PU) Cousin (C)

Paternal Cousins (PC)

5.4.a: Total Deprivation of Heirs By Presence of Another Relative

PRESENCE OF THE MAYYITS:

DEPRIVES THE MAYYITS

Father or Paternal Grandfather or ↑ All Siblings of any type.

Son/s or ↓ All Siblings of any type.

Daughter/s & Sons Daughter Uterine Brothers & Sisters only

PRESENCE OF THE MAYYITS:

DEPRIVES THE MAYYITS - DUE TO PROXIMITY

Father Paternal Grandfather & Grandmother

Son Grandson/↓, Father of Residue & Granddaughters

Mother Paternal & Maternal Grandmothers

2 or more Daughters Sons Daughter/s (Granddaughters)

Grandchildren (Sons children) Great Grandchildren (Sons sons children)

PRESENCE OF THE MAYYITS:

DEPRIVES THE MAYYITS - ON STRENGTH OF BLOOD

Full Brother/s Paternal Half Brothers & Sisters

Full Sisters 2 or more Paternal Half Sisters

Full Sister - becomes **Asbah** Paternal Half Brothers & Sisters

5.4.b: Partial Deprivation of Heirs By Presence of Another Relative

QUR'ANIC HEIRS WITH FIXED SHARES

Mayyit Left Behind:	Share of Heir
Husband & the Mayyit has:	
No Children or Grandchildren ↓	1/2 (50%)
Child/ren or Grandchildren ↓ - From current or former Husband/s included	1/4 (25%)
Wife & the Mayyit has:	
No Children or Grandchildren ↓ - From current or former wife/'s included)	1/4 (25%) - 2 or more Equal share
Child/ren or Grandchildren ↓	1/8 (12.5%) - 2 or more Equal share
Father & P/G-Father & the Mayyit has:	
No Children or Grandchildren ↓	2/3 (66.66%) - P/G-Father 1/6+Residue
Child/ren or Grandchildren ↓	1/6 (16.67%)
Daughter or Sons Daughter	1/6 + Residue
Mother & the Mayyit has:	
No Child/ren or Grandson ↓, or 1 Brother or Sister (Any Type)	1/3 (33.33%)
Child/ren or Grandson ↓, or 2 or more Siblings (Any Type)	1/6 (16.67%)
Daughters & the Mayyit has:	
1 Only	1/2 (50%) - No Sons
2 or more only	2/3 (66.66%) - Equal Share
1 Only & Granddaughter/s (Sons Daughters)	D-1/2 G/D-1/6 (Quota of 2/3)
Son/s - changes Daughter/s into Asabah	Sons & Daughters will share in residue ratio 2(son):1(daughter)
Daughter/s changes Sister or P-Sister into Asabah	Sis & PSis take Residue - Equal Share Daughter/s remains Zawil Furoodh.
Full Sisters & the Mayyit has:	

1 Only	1/2 (50%) - No Brothers
2 or more	2/3 (66.66%) - Equal Share
1 Only & Paternal Sister	D-1/2 P/Sister-1/6 (Quota of 2/3)
Full Brother/s	Brothers & Sisters will share in ratio 2:1

Paternal Half Sisters & *the Mayyit has:*

1 Only	1/2 (50%)
2 or more	2/3 (66.66%) - Equal Share
1 or more & 1 Full Sister	1/6 (16.67%) for P/Sis or Equal Share (if 2 or more)
Paternal Half Brother/s - changes P-Sister into Asabah	P-Brothers & PSisters will share in ratio 2:1

Uterine Brother or Sister & *the Mayyit has:*

1 Uterine Brother or Sister	1/6 (16.67%) - Each
2 or More Uterine Brother or Sister	1/3 (33.33%) - Equal Share

Granddaughter (Sons Daughters) & *the Mayyit has no Children:*

1 Granddaughter	1/2 (50%)
2 or more Grandughters	2/3 (66.66%) - Equal Share
G-Son/s changes G-Daughter/s into Asabah	G-Sons & G-daughters will share in residue ratio 2:1
G-Daughter/s changes Sister or P-Sister into Asabah	Sis & PSis take Residue - Equal Share Daughter/s remains Zawil Furoodh.

Paternal & Maternal Grandmothers (True) & *the Mayyit has no Children:*

1 Only	1/6
2 or More	1/6 Equal Share

5.4.c: Groups & Classes of the Asabah

Asabah - Males Only

Sons & Son's sons/↓	1 st then closest to the mayyit in this class
Father & Paternal Grandfather/↑	2 nd then closest to the mayyit in this class
Full Brother, Paternal Half Brother, Full Nephew, Paternal Half Nephew	3 rd then closest to the mayyit in this class
Paternal Uncle, Paternal Half Uncle, Paternal Cousin, Paternal Half Cousin	4 th then closest to the mayyit in this class

Asabah Bil Ghair - Males & Females

Daughter becomes Asasbah with Son	1 st - Ratio 2:1
Grandaughter (sons daughter) becomes Asabah with Grandson (Son's son)	2 nd - Ratio 2:1
Full sister becomes Asasbah with Full Brother	3 rd - Ratio 2:1
Paternal Half Sister becomes Asabah with Paternal Half Brother	4 th - Ratio 2:1

Asabah Ma'al Ghair - Females Only

Full sisters & Paternal Half Sisters - Become Asabah	By the presence of Daughters & G/daughters (they remain Zawil Furoodh) or no son or other male Asabah.
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5.6: The Exceptions In Share Allocations

5.6.a: Masalataan Umriyataan

Heirs	Husband	Father	Mother	Heirs	Wife	Father	Mother
Shares	1/2	2/3	1/3	Shares	1/4	2/3	1/3
CD	3/6	4/6	2/6	CD	3/12	8/12	4/12
Total	9/6 or 1½			Total	15/12 or 1¼		

Solution: Apportion normal share to Spouse, From the remainder the Father will get 2/3 and the Mother 1/3.

Heirs	Husband	Father	Mother	Heirs	Wife	Father	Mother
Answer	1/2	Remainder of 1/2 in Ratio of		Answer	1/4	Remainder of 3/4 in Ratio of	
Shares	1/2	2/3	1/3	Shares	1/4	2/3	1/3
%	50%	33.33%	16.67%	%	25%	50%	25%

5.6.b: Masala Himariya or Hajariya

When a Full Brother/s comes with 2 or more Uterine Siblings. This incident occurred during the period of Hadhrat Umar [caliphate]. There are two view regarding this.

1. Hadhrat Ali رضي الله عنه view is that the Full Brother is deprived.

6 Full Brother Deprived - Hanafi's & Hambali's					
Heirs	H	M	UB	USis	B
Shares	1/2	1/6	1/3		0
CD (6/6)	3/6	1/6	2/6		0
Parts (6)	3	1	2		0

2. Hadhrat Zaid ibn Thabit رضي الله عنه view is that the Full Brother inherits.

6 (18) Brother Inherits with Uterine Siblings - Shafi's & Maaliki's					
Heirs	H	M	UB	USis	B
Shares	1/2	1/6		1/3 shared equally	
CD (6/6)	3/6	1/6		2/6	
Parts (6)	3	1		2 shares to be divided by 3	

Calculations for dividable shares that are easier to allocate:

Take total number of shares required i.e 3 (UB,USis & B) *6 (CD) = 18 (New CD).

Multiply the parts of each heir by 3 (UB,USis & B).

Parts (18)	9	3	6 (divided by 3 = 2 Parts each)
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5.7: Inheriting or Deprivation due to a Relative.

5.7.a: Mubarak Male Relative: Inherits due to their presence. e.g.

6 2 Grandughters Deprived			
Heirs	2D	F	2GD
Shares	2/3	1/6 +R	0
CD	4/6	1/6 +1/6	0

6 2 GD Inherits because of Grandson			
Heirs	2D	F	2GD GS
Shares	2/3	1/6	Asabah Residue 2:1
CD	4/6	1/6	1/6

6 P-Sisters Deprived			
Heirs	2Sis	M	P/Sis
Shares	R	1/6	0
CD	5/6	1/6	0

6 P-Sister Inherits because of P-Brother			
Heirs	2D	F	2GD GS
Shares	2Sis	M	P/Sis
CD	2/3	1/6	Asabah Residue 2:1

5.7.b: Unlucky Male Relative: Deprives due to their presence. e.g.

12 Granddaughter Inherits					
Heirs	H	F	M	D	G/D
Shares	1/4	1/6	1/6	1/2	1/6
Quota 2/3					
C.D	3/12	2/12	2/12	6/12	2/12
Awl	3/15	2/15	2/15	6/15	2/15
					=15/12
					=15/15

12 Granddaughter Deprived by Grandson					
Heirs	H	F	M	D	G/D G/S
Shares	1/4	1/6	1/6	1/2	Asabah 1/6
C.D	3/12	2/12	2/12	6/12	0 No Bal.
Awl	3/13	2/13	2/13	6/13	0
					=13/12
					=13/13

5.8: Munasakhah - The transference of the inheritance from a heir, who dies prior to the division of the estate, to his/her heirs.

5.8.a: Combining the distribution of the shares of the deceased and the heir who dies during the process of the division of the estate.

The muslim jurist have devised a ingenious system of calculations whereby, the heirs of the heir who has died during the process of the division of the estate, are allocated their shares. For a more in depth understanding of this system please refer to, **The Islamic Law of Succession by MS Omar - Chapter 15.** E.g.

12 * 5 = (60) (60) * 12 = 720	Table A - Deceased					
Heirs	H	M	S - Dies	S	D	
Shares	1/4	1/6		R - 2:1 (5 Shares)		
C.D	3/12	2/12		7/12		= 12/12
Parts	3*5 = 15	2*5 = 10	7*5 = 35/7 = 7 shares each	2*7 = 14	2*7 = 14	1*7 = 7
						60
Now work out Table B then multiply each heirs parts by 12 (Table B)						
New Shares	15*12 = 180	10*12 = 120	Table B 168	14*12 = 168	7*12 = 84	60*12 = 720

24/2 = 12	Table B - The Son of the deceased who has died				14/2 = 7
Heirs	H → GF	M → MGM	D	W	
Shares	1/6 + R	1/6	1/2	1/8	
C.D	5/24	4/24	12/24	3/24	24/24
Parts	5	4	12	3	24
The deceased sons share is 14 (Table A), note it top right of Table B					
Divide 24 & 14 by their common factor which is 2					
Now multiply each heirs parts by 7 (Table B)					
New Shares	7*5 = 35	7*4 = 28	7*12 = 84	7*3 = 21	7*24 = 168

Table A & B - Combined New Share Allocations							
Heirs	H → GF	M → MGM	S	D	D	W	
New Shares A	180	120	168	84		552	
New Shares B	35	28			84	21	168
Combined Parts	215	148	168	84	84	21	720

5.8.b: Where the estate has been delayed for a considerable period of time.

At times the winding up of the estates are delayed for years and even decades, and as such in the process one or more heirs die. In this instance, calculations for two separate estates should be done, **which are not combined**. This will be easier as the heir/s who have died and have not received their inheritance, will most likely have assets & liabilities of their own, which have to be factored into their estates.

- Firstly calculate the estate of the first deceased (A) to determine the share of the heir (B) who was a heir in that estate, but is now also deceased.
- Transfer that inheritance to the estate of heir (B) who died before receiving his/her inheritance, and calculate the estate of heir (B)

5.9: The Mafqud - A person whose whereabouts are unknown and it cannot be determined whether he/she is alive or dead.

5.9.a: The Maqfud is considered to be alive with regard to his estate. Till his death is not confirmed his estate will not be distributed and will be held in trust.

The different rulings of the mathabs on the period before the Maqfud estate can be distributed.

- **Maliki's:** 4 Islamic years.
- **Hanafi's:** The original fatwa is 90 Islamic years. However the fatwa used today is 4 years. Which is the Maliki fatwa.
- **Shafi's:** It is at the Qazi'a discretion.
- **Hambali's:** Depending on the situation. 1 Islamic year where there is a high probability of death otherwise 4 Islamic years.

5.9.b: Where the Mafqud is one of many heirs, and depending on who the other heirs are, will determine if the entire estate or only the Mafqud's, is kept in trust .

E.g. 1: The entire estate is held in trust

The Son is Mafqud

If Son is Present				If Son is declared dead	
Heirs	B	Sis	Son	B	Sis
	0			100%	
Shares	Son deprives B & Sis		100%	Share in Ratio of 2:1	

E.g. 2: Only the Mafqud's Share is held in trust

The Brother is Mafqud

If Brother is Present				If Brother is declared dead	
Heirs	W	B	Sis	W	Sis
Shares	1/4	3/4		1/4	3/4
		Shares 2:1			
Parts	1	2	1	1	3
%	25%	50%	25%	25%	75%

In the above example 2, the Mafqud share of 50% is held back in trust whilst the wife & sister are given their shares of 25% each.

- Should the Mafqud return, he will receive his share of 50% which was kept in trust.
- However should the Mafqud not return, after the required waiting period, his share of 50 % will be given to the sister.

5.10: Khuntha (Hermaphrodite)

The person who is born with the deformity of having both male and female organs.

All attempts will be made to classify the khuntha either as a male or female. From whichever organ he/she urinates first from will determine the sex. If simultaneously from both organs then the person will be classified as a kuntha. If a determination still cannot be made, then the classification will wait till he/she turns baaligh.

- **Hanafi's:** Work out the shares for a male & female, and give the minimum.
- **Maliki's:** Work out the shares for a male & female and give the average between the two
- **Shafi's/Hambali's:** All the heirs must get the minimum till the matter clears.

5.11: Hamal (The Unborn Babe)

When the wife of the deceased is pregnant, it is advisable to postpone the distribution of the estate until birth of the child so as to ascertain its sex. The children may be twins or more or the child may also be stillborn, hence it will not be a heir.

In the above situation, for those heirs whose shares will not change, they may be given their share. As for those heirs whose shares will fluctuate, the minimum should be given.

5.11.a: Conditions:

1. Wife to be pregnant.
2. Child to be born alive
 - **Hanafi's:** If there is any sign of life, however small or short, the child will inherit.
 - **Shafi's, Maliki's, Hambali's:** Hayat Mustaqirrah - Any sign of life that's for a short duration, will not be regarded as life, and the child will not inherit.

5.11.b: The Minimum & Maximum Pregnancy Periods.

ALLAH ﷺ SAYS IN THE QUR'AN:

And We have enjoined upon man to do good to his parents. His mother carried him with toil and delivered him with toil. And his carrying and his weaning is (in) thirty months, until when he attains his maturity, and reaches forty years, he says, "My Lord, grant me that I offer gratitude for the favor You have bestowed upon me and upon my parents, and that I do righteous deeds that You like. And grant for my benefit goodness in my progeny. Of course, I repent to you, and truly I am one of those who submit to You." (S 46:V-15)

This verse states that the total period of pregnancy and then of weaning is thirty months, Sayyidna Ali ﷺ has deduced from this verse that the **minimum period of pregnancy is six months**, because the Holy Qur'an has determined the maximum weaning period as two complete years in another verse which says,

And mothers suckle their children for full two years; it is for one who wants to complete (the period of) suckling. (S2:V-233)

The total period of pregnancy and suckling has been mentioned in the verse under discussion (S46:V-15) as thirty months. If the maximum period of suckling, that is twenty four months according to the verse S2:V-233 cited above, is deducted from thirty months, the balance is no more than six months which has been taken as the minimum period of pregnancy. It is narrated that during the period of Sayyidna Uthman ﷺ, a woman gave birth to a child in six months, as against the normal period of nine months, or at least seven months. Sayyidnii Uthman ﷺ decided this to be the case of an illegitimate birth and gave orders for punishment. When Sayyidna Ali ﷺ came to know the incident, he advised Sayyidna Uthman ﷺ against the decision, and argued that the minimum period of pregnancy is six months as deduced from the verses mentioned above. Sayyidnii Uthman ﷺ accepted his argument and cancelled his order. (Qurtubi)

That is why all the jurists of the Ummah are unanimous on the point that the minimum period of pregnancy can be six months, while they differ about the maximum period of pregnancy, because the Holy Qur'an has not given any ruling about it. (Extracted from Maariful Qur'an)

The maximum period of pregnancy:

- Hanafi's: 2 years.
- Shafi's, Maliki's & Hambali's: 4 years

5.12: General Examples of Share Allocations

24 & 384 (24*16 Parts)							Only	
Heirs	W	M	6S	4D	B	2PC	PU	W
Shares	1/8	1/6	Asabah - Residue 12+4 = 16 Parts	-2:1	0	0	0	Whole Estate
CD	3/24	4/24		17/24	0	0	0	
Parts	3	4		17	0	0	0	
Parts	48	64		272	= 384			
%	12.5%	16.67%		70.83%	= 100 %			
			204	68	= 272			
Sons Double Share	6 Shares	4 Shares	Daughters Single Share	34 each	17 each			

8 & 136 (8*17 Parts)				12 & 36 (12 *3 Sons)			
Heirs	2W	6S	5D	Heirs	H	Father	3 Sons
Shares	1/8	Residue - 7/8 - 2:1 = Share	12+5 = 17 Parts	Shares	1/4	1/6	Residue = Share
Parts	17		119	CD	3/12	2/12	7/12
Parts	17	84	35	Parts	9	6	21
Parts	2 Shares 8.5 each	6 Shares 14 each	5 shares 7 each				= 36
							3 Shares 7 each

12 & 48 (12*4S)						8 & 16 (8*2D)		
Heirs	H	M	4S	PG	2B	Heirs	W	2D
Shares	1/4	1/6	Residue = Share	1/6	0	Shares	1/8	R-7/8 = Share
CD	3/12	2/12	5/12	2/12	0	Parts	2	14
Parts	12	8	20	8	0			= 16
			4 Shares 5 each					

24/27 & 162 (27 * 6D)					Heirs F M 2S			
Heirs	2W	M	F	6D	Heirs	F	M	
Shares	1/8 = Share	1/6	1/6	2/3 = Share	Shares	1/6	1/6	4/6 = Share
CD	3/24	4/24	4/24	16/24	= 27/24	Parts	1	1
AWL	3/27	4/27	4/27	16/27	= 27/27			2 Shares 2 each
Parts	18	24	24	96	= 162			
	2 Shares 9 each		6 Shares 16 each					

24 & 72 (24*3GS)						2 & 16 (2*8N)		
Heirs	W	F	3GS	1D	3SIS	Heirs	H	8N (Brothers Sons)
Shares	1/8	1/6	Residue = Share	1/2	0	Shares	1/2	1/2
CD	3/24	4/24	5/24	12/24	0	Parts	8	8
Parts	9	12	15	36	0	= 72		= 16
			3 Shares 5 each				Shares 1 each	

24 & 72 (24*3SIS)						Heirs W 3SIS		
Heirs	W	M	2D	2GD	3SIS	Heirs	W	3SIS
Shares	1/8	1/6	1/2	1/6	Residue = Share	Shares	1/4	3/4 = Share
CD	3/24	4/24	12/24	4/24	1/24			
Parts	9	12	36	12	3 - 1 each	= 72		3 Shares 1 each

24 /27 Awl						Heirs D U		
Heirs	2D	PGF	W	M	3SIS	Heirs	D	U
Shares	2/3	1/6	1/8	1/6	0	Shares	1/2	1/2
CD	16/24	4/24	3/24	4/24	0	=27/24		
AWL	16/27	4/27	3/27	4/27	0	=27/27		

24 Radd						Bal		
Heirs	W	D	PGM	MGM	Bal			
Shares	1/8	1/2		1/6 = Share				
CD	3/24	12/24		4/24	= 19/24	5/24	=24/24	
			5/24 to be shared proportionaly by heirs		Excluding Wife			
			Multiply each share by 16 (12 D+4 P/M-GM)					
Parts	48	192		64	= 304	+80	=384	
5/24 Parts		12*5=60		4*5=20		=80		
Parts	48	252		84	=384			
%	12.5%	65.63%	21.87% - 2 Shares Divide Equally		=100%			

6 & 4 Radd			Heirs D GS 2GD				Heirs 2D GD		
Heirs	D	3GD	Heirs	D	GS	2GD	Heirs	2D	GD
Shares	1/2	1/6	Shares	1/2		1/2	Shares	Whole	0
CD	3/6	1/6	=4/6				Parts	4 Shares	
Radd	3/4	1/4	=4/4				2	1+1	= Share

My Will

